

Third Circuit Judicial Conference
Lancaster Marriott at Penn Square
Lancaster, PA
April 19-21, 2017

AGENDA

Wednesday, April 19th

12:00 pm - 7:00 pm
Second Floor Lobby

Registration and Conference Services

12:00 pm - 1:15 pm
Hickory Room

***Judicial Council Automation and Technology
Committee Luncheon Meeting***

12:00 pm - 1:15 pm
Independence Room

***Judicial Council Facilities and Security Committee
Luncheon Meeting***

1:00 pm - 2:00 pm
Montgomery House

***Clerks of Court
Luncheon Meeting***

1:30 pm - 2:00 pm
Commonwealth 3 and 4

Welcome - Judges Only Meeting

Honorable D. Brooks Smith
Chief Judge, U.S. Court of Appeals
Third Circuit

**Recognition of Judges who have taken Senior
Status**

Presenter: **Honorable D. Brooks Smith**
Chief Judge, U.S. Court of Appeals
Third Circuit

Introduction of New Judges

Presenter: **Honorable D. Brooks Smith**
Chief Judge, U.S. Court of Appeals
Third Circuit

2:00 pm - 2:30 pm
Commonwealth 3 and 4

Federal Judges Association Meeting

Honorable Cynthia M. Rufe
United States District Judge, Eastern District of Pennsylvania
Vice President, Chair of Communications, and Executive
Committee Member

Federal Judges Association

Honorable Jerome B. Simandle

Chief Judge, District of New Jersey

Executive Committee Member

Federal Judges Association

2:00 pm - 2:30 pm

Hickory Room

Federal Magistrate Judges Association Meeting

Honorable Henry S. Perkin

United States Magistrate Judge, Eastern District of Pennsylvania

Third Circuit Representative

Federal Magistrate Judges Association

2:00 pm - 2:30 pm

State Room – 3rd Floor

Montgomery House

National Conference of Bankruptcy Judges Meeting

Honorable Robert N. Opel II

Chief United States Bankruptcy Court Judge, Middle District of Pennsylvania

Third Circuit Representative

Period I

2:30 pm - 4:00 pm

Commonwealth 1 and 2

1.5 hours CLE

Implicit Bias in Jury Selection and in Other Aspects of the Criminal Justice System

Moderator: **Honorable Katharine S. Hayden**

United States District Judge, District of New Jersey

Speakers: **Honorable Mark Bennett**

United States District Judge, Northern District of Iowa

Paulette Brown, Esquire

Locke Lord LLP

Honorable Bernice B. Donald

United States Circuit Judge

Sixth Circuit Court of Appeals

Rachel Godsil

Professor, Seton Hall Law School

Period II

4:00 pm - 5:30 pm
Commonwealth 3 and 4
1.5 hours CLE

Twitter in the Court: Social Media Issues for Judges, Lawyers and Jurors

Moderator: **Honorable Lawrence F. Stengel**
United States District Judge
Eastern District of Pennsylvania

Speakers: **Cynthia L. Dahl**
Director of Detkin Intellectual Property and
Technology Legal Clinic
Practice Associate Professor, University of
Pennsylvania Law School

Micah Buchdahl
President of HTMLawyers, Inc.

Additional speakers in the process of being confirmed.

6:00 pm
Heritage Hall

Bench and Bar Cocktail Reception

Sponsored by Third Circuit Bar Association

7:00 pm
Heritage Ballroom

BENCH AND BAR DINNER

**Introduction by Chief Judge Smith of Keynote Speaker, the
Honorable Michael Chertoff, Former Secretary of the United
States Department of Homeland Security**

Keynote Address by the Honorable Michael Chertoff

Thursday, April 20th

7:00 am - 5:30 pm
Second Floor Lobby

Registration and Conference Services

7:30 am - 8:15 am
Heritage Ballroom C

Third Circuit Bar Association Breakfast (Open to All)

Please join members of the Third Circuit Bar to learn about the Bar's mission and activities

7:30 am - 8:15 am
Heritage Ballroom A, B

Courts and Community Breakfast (Open to All)

Please join members of the Judicial Council's Courts and Community Committee to learn about the work of this Committee

Speakers: **Honorable Marjorie O. Rendell**
United States Circuit Judge
Third Circuit Court of Appeals
Co-Chair, Courts and Community Committee

Honorable Cynthia M. Rufe
United States District Judge
Eastern District of Pennsylvania
Co-Chair, Courts and Community Committee

7:30 am - 8:15 am
Heritage Ballroom D, E

Case Budgeting: Resources for District Judges and Panel Attorneys Breakfast (Open to All)

Speakers: **Honorable Mitchell S. Goldberg**
United States District Judge, Eastern District of Pennsylvania

Honorable Katharine S. Hayden
United States District Judge, District of New Jersey

Renee Edelman
Case Budgeting Attorney

8:30 am - 8:45 am
Commonwealth Room

Welcoming Remarks

Honorable D. Brooks Smith
Chief Judge, U.S. Court of Appeals
Third Circuit

Period I

MORNING PLENARY SESSION

8:45 am - 10:15 am
Commonwealth 1, 2, 3, 4
1.5 hours CLE

Technology and Individual Rights: Friends or Foes?

Moderator: **Honorable Thomas M. Hardiman**
United States Circuit Judge
Third Circuit Court of Appeals

Speakers: **Orin S. Kerr**
Fred C. Stevenson Research Professor of Law
George Washington University Law
School

Harvey Rishikof, Esquire
Crowell Moring

10:15 am - 10:45 am

BREAK
Light refreshments

Period II

CONCURRENT SESSIONS

10:45 am - 12:15 pm
Commonwealth 1, 2
1.5 hours CLE

It's Not Just About The Money: Technology, Social Media and Rapid Changes in Bankruptcy Practice

Moderator: **Honorable Brendan L. Shannon**
Chief Judge, United States Bankruptcy Court
District of Delaware

Speakers: **Honorable Jeffery A. Deller**
Chief Judge, United States Bankruptcy Court
Western District of Pennsylvania

Honorable Richard E. Fehling
United States Bankruptcy Court
Eastern District of Pennsylvania

Honorable Judith K. Fitzgerald (ret.)
Tucker Arensberg

Pauline K. Morgan, Esquire
Young Conaway Stargatt & Taylor, LLP

James J. Waldron, Clerk (retired)
United States Bankruptcy Court
District of New Jersey

10:45 am - 12:15 pm
Commonwealth 3

DNA Testing and Innocence: Minimizing Future Injustice

1.5 hours CLE

Moderator: Shane Tobe
Assistant Professor, Forensic Science
Arcadia University

Speakers: Marissa B. Bluestine, Esquire
Legal Director
Pennsylvania Innocence Project

Samuel W. Silver, Esquire
Schnader Harrison Segal & Lewis LLP

David A. Sonenshein
I. Herman Stern Professor of Law
Temple University Beasley School of
Law

Anthony Wright
Exonoree, served 25 years for a wrongful conviction

10:45 am - 12:15 pm
Commonwealth 4
1.5 hours CLE

**Current Issues in Class Actions: Ascertainability
and Proposed Changes to Rule 23 of the Federal Rules of Civil
Procedure**

Moderator: Honorable D. Brooks Smith
Chief Judge, U.S. Court of Appeals
Third Circuit

Speakers: John H. Beisner, Esquire
Skadden, Arps, Slate, Meagher & Flom LLP

Elizabeth J. Cabraser, Esquire
Lieff Cabraser Heimann & Bernstein, LLP

Robert C. Heim, Esquire
Dechert LLP

Samuel Issacharoff
Bonnie and Richard Reiss Professor of
Constitutional Law
New York University Law School

Honorable Anthony J. Scirica
United States Circuit Judge
Third Circuit Court of Appeals

Catherine T. Struve
Professor of Law

12:30 pm - 2:00 pm
Heritage Ballroom

BENCH AND BAR LUNCHEON

Introduction by Chief Judge Smith of Justice Samuel A. Alito, Jr.

Presentation of the American Inns of Court Professionalism Award

Presenter: Justice Samuel A. Alito, Jr.

Honoree: TBA

Fireside chat with Justice Samuel A. Alito, Jr. and Chief Judge Smith

Period III

2:15 pm - 3:15 pm
Commonwealth 1, 2
1 hour CLE

AFTERNOON CONCURRENT SESSIONS

Investigation and Trial Use of Digital Evidence

Introduction of Speaker by the Honorable Cynthia R. Eddy, United States Magistrate Judge, Western District of Pennsylvania

Speaker: **Ovie L. Carroll**
Director, Department of Justice
Cybercrime Lab at the Computer Crime and
Intellectual Property Section and Digital Forensics
Certified Examiner

2:15 pm - 3:15 pm
Commonwealth 3
1 hour CLE

Reentry Around the Circuit: Issues, Challenges, and Successes from Reentry Programs in Our District Courts

Moderator: **Honorable Lawrence F. Stengel**
United States District Judge
Eastern District of Pennsylvania

Speakers: **Honorable Christopher J. Burke**
United States Magistrate Judge
District of Delaware

Fred Crawford
Supervisory Probation Officer

Honorable Noel L. Hillman
United States District Judge

District of New Jersey

Honorable Maureen P. Kelly
United States Magistrate Judge
Western District of Pennsylvania

Honorable Thomas I. Vanaskie
United States Circuit Judge
Third Circuit Court of Appeals

2:15 pm - 3:15 pm
Commonwealth 4
1 hour CLE

**The Repeal of Don't Ask, Don't Tell – Lessons From The
Largest Implementation of Social Policy Change in Our
Nation's History**

Moderator: **Joseph M. McDade, Jr.**
Principal Deputy General Counsel of the Air Force

Speakers: **Jeh C. Johnson**
Former Secretary of Homeland Security
Former General Counsel of the Department of
Defense

Honorable Paul L. Oostburg Sanz
Former General Counsel of the United States
Department of the Navy

Karl F. Schneider
Deputy Chief Management Officer
Department of the Army

3:15 pm - 3:30 pm

BREAK
Light refreshments

Period IV

CONCURRENT SESSIONS

3:30 pm - 5:00 pm
Commonwealth 1, 2
1.5 hours CLE

**Pay for Delay Today — The Still-Developing Law on Reverse
Payment Settlements in Hatch-Waxman Patent Litigation**

Moderator: **Honorable Kent A. Jordan**
United States Circuit Judge
Third Circuit Court of Appeals

Speakers: **Chief Judge Leonard P. Stark**
U.S. District Court for the District of Delaware

Michael A. Carrier
Distinguished Professor of Law
Rutgers University

Luke M. Froeb
Former Director, FTC Bureau of Economics
William C. Oehmig Chair of Free Enterprise and
Entrepreneurship, Vanderbilt University Owen
Graduate School of Management

Joshua D. Wright
Former FTC Commissioner,
University Professor and Executive Director of
the Global Antitrust Institute, George Mason
University

3:30 pm - 5:00 pm
Commonwealth 3
1.5 hours CLE

**The Science of Eyewitness Identification: Reducing
Wrongful Convictions**

Moderator: **Honorable Theodore A. McKee**
United States Circuit Judge
Third Circuit Court of Appeals

Speakers: **Karen L. Armendola, Ph.D.**
Chief Behavioral Scientist
Police Foundation

Jennifer E. Dysart, Ph.D.
Associate Professor of Psychology
John Jay College of Criminal Justice

Jules Epstein
Professor of Law and Director of Advocacy
Programs
Temple University Beasley School of Law

3:30 pm - 5:00 pm
Commonwealth 4
1.5 hours CLE

**Campus Free Speech, Cyber Communication, and the First
Amendment**

Moderator: **Honorable D. Brooks Smith**
Chief Judge, U.S. Court of Appeals
Third Circuit

Speakers: **Samantha K. Harris, Esquire**
Vice President of Policy Research, Foundation for
Individual Rights in Education (FIRE)

Sankar Suryanarayan, Esquire

University Counsel
Princeton University
Office of the General Counsel

David A. Strauss

Gerald Ratner Distinguished Service Professor of
Law
The University of Chicago Law School

5:30 pm - 6:30 pm
Commons on Vine

Bench and Bar Cocktail Reception

Reception Sponsors:

- *Delaware Chapter of the Federal Bar Association*
- *Philadelphia Bar Association Federal Courts Committee and Appellate Courts Committee*
- *Northern New Jersey Chapter of the American Board of Trial Advocates*

7:00 pm - 10:00 pm

Judges Only Dinner Meeting

7:30 pm

Welcome and Presentation of Judges' Milestones

Presenter: **Honorable D. Brooks Smith**
Chief Judge, U.S. Court of Appeals
Third Circuit

Introduction of Dinner Speaker by Chief Judge Smith

Jeh C. Johnson

Former Secretary of Homeland Security
Former General Counsel of the Department of Defense

10:00 pm
Commons on Vine

Bench and Bar Cocktail and Dessert Reception

Honoring our newest Circuit Chief Judge D. Brooks Smith and Judge Thomas L. Ambro, recipient of the 2015 A. Sherman Christensen Award for Distinguished Leadership of the American Inns of Court

Reception Sponsors:

- *Sponsored by American Inns of Court – The Q. Todd Dickinson Intellectual Property Chapter*
- *American Inns of Court – The Honorable Amy Reynolds Hay Chapter*

- *Bankruptcy and Commercial Law Section of the Allegheny County Bar Association*
- *Eastern District of Pennsylvania Bankruptcy Conference*
- *Delaware Bankruptcy American Inn of Court*
- *IWIRC – New Jersey Network*
- *Judith K. Fitzgerald Bankruptcy Inn of Court*
- *Terry Carey American Inns of Court*

Friday, April 21st

7:30 am - 2:00 pm
Second Floor Lobby

Registration and Conference Services

7:30 am - 8:30 am

Bench and Bar District Breakfast Meetings Moderated by the Chief Judges of the District Courts

Eastern District of Pennsylvania – Heritage C
Middle District of Pennsylvania – Heritage A
Western District of Pennsylvania – Hickory
District of New Jersey – Heritage D, E
District of Delaware – Heritage B
District of the Virgin Islands – Montgomery House, Second Floor
Founders Room

Period I

8:30 am - 10:30 am
Commonwealth 3, 4
2 hours CLE - ethics

CONCURRENT SESSIONS

Professional Ethics in the Appellate Process

Presented by Third Circuit Bar Association

Moderator: **Lawrence J. Fox, Esquire**
Lecturer in Law on Professional Responsibility, Yale
Law School

Speakers: **Ellen C. Brotman, Esquire**
Griesing Law LLC

Kim D. Ringler, Esquire
The Ringler Law Firm

8:30 am - 10:30 am
Commonwealth 1, 2

Judges Only Meeting

Welcome and Introductions

Honorable D. Brooks Smith

Chief Judge, U.S. Court of Appeals
Third Circuit

Speakers: **Honorable James C. Duff**
Director, Administrative Office of the U.S. Courts

Honorable Jeremy D. Fogel
Director, Federal Judicial Center

Judges Only: IT Security

Speaker: **Honorable Thomas M. Hardiman**
Chair
Judicial Conference Committee on Information
Technology

Judges Only: Presentation on the Code of Conduct and Ethics

Speakers: **Honorable Christopher C. Conner**
Third Circuit Representative
Judicial Conference Committee on Codes of
Conduct

Robert P. Deyling
Assistant General Counsel
Administrative Office of the U.S. Courts

10:30 am - 10:45 am

BREAK
Light refreshments

Period II

10:45 am - 12:15 pm
Commonwealth 3, 4
1.5 hours CLE

What Attorneys Hope Judges Know and Vice Versa
Presented by Third Circuit Bar Association

Moderator: **David R. Fine, Esquire**
K&L Gates

Speakers: **Honorable Patty Shwartz**
United States Circuit Judge
Third Circuit Court of Appeals

Honorable C. Darnell Jones II
United States District Judge
Eastern District of Pennsylvania

Honorable Malachy E. Mannion
United States District Judge
Middle District of Pennsylvania

Charles L. Becker, Esquire
Kline & Specter PC

Lisa Freeland, Esquire
Federal Public Defender
Western District of Pennsylvania

Dennis R. Suplee, Esquire
Schnader Harrison Segal & Lewis LLP

James Wade, Esquire
Federal Public Defender
Middle District of Pennsylvania